

Mayville, NY

Regular Meeting

August 10, 2020

Present: Supervisor Donald Emhardt, Councilmen Kenneth Burnett, Dave Ward, Thomas Carlson and Scott Cummings. Zoning Clerk, Elizabeth Steinbach, Deputy Clerk Jess Emhardt, Assessor, Anne Golley and Town Attorney, Joel Seachrist

Others Present: Mike Manning, Joe Gerace

Supervisor Donald Emhardt opened the regular meeting at 7:00 P.M. with the Pledge of Allegiance.

Motion made by Councilman Scott Cummings to approve the minutes as presented for the regular meeting held July 13, 2020.

Second: Councilman Kenneth Burnett

Vote: Supervisor Donald Emhardt – Aye
Councilman Scott Cummings – Aye
Councilman Dave Ward – Aye
Councilman Thomas Carlson – Aye
Councilman Kenneth Burnett – Aye

Carried

Public Comments: None

Departmental Reports:

Town Clerk report for the month of July was submitted and filed.

Monthly fees remitted totaled \$22,132.52 with the following disbursements;

Supervisor: \$21,784.94, Ag & Mrkts Animal Population Control Program: \$137.00, NYS Dept. of Health: \$135.00, NYS DEC license sales: \$75.58.

New licensing system for the DEC is now up and running. Hunting license sales started today.

New records retention schedule was released on August 1st in which all staff will be trained through an upcoming webinar series conducted by NYS Archives. School Tax Collection will begin on September 1, 2020.

Assessor, Anne Golley, was formerly introduced to the Board and present for any questions in which there were none at this time. Assessor's report was submitted and filed.

The office is currently working with Chautauqua Lake and Sherman school districts on assessment rolls to calculate the 2020/21 school tax rate for each municipality. The final roll has been sent to the County to process school tax bills.

Building Department reported that 13 building permits were issued in July with a total project value of \$315,480.00 and 29 Certificates of Completion were issued with a total project value of \$2,923,266.00.

Highway report was submitted and filed. The department completed Grater patching on Dean and Burdick road, stoned and oiled 12 miles of roads with Vestal Asphalt Co., installed drainage pipe and DI on Galloway Rd., new cross tubes were installed on Bentley and Walker road and roadsides were mowed

Town Court is still closed to the public until further notice. Operations are still being handled by mail and/or phone. Urgent matters are being scheduled case by case.

Town Constable, Joe Gerace, addressed the Board in regard to having 'Police' on their vehicles. Copies of sections from the NYS Not-for-Profit Corporation law and Vehicle and traffic law were distributed to the Board. The Not-for-Profit law specifies that not-for-profits can appoint special police officers in which Chautauqua has been doing. Section 132-a of the Vehicle and Traffic Law defines such law stating 'vehicles owned and operated by the law enforcement unit of a public or private corporation authorized by law to maintain a unit for the enforcement of law on the property of such shall be a police vehicle'. The Town law further defines Town Constables as 'Peace Officers' in which their powers and duties are further defined in Article 2 of the criminal Procedures Law(CPL)section 2.20

Constable Gerace also expressed the importance of the department being added to the Emergency Radio System for community safety. A request was sent to Chautauqua County Sheriff's Department on July 6th with no response. Some examples were given in which the delayed communication in emergency situations could have resulted in serious injury. A request was sent to Chautauqua County Sheriff's Department on July 6th with no response.

Motion made by Councilman Thomas Carlson to have the Town attorney send a letter to the County Sherriff's office requesting that the Town Constabulary Department be added to the Emergency Radio System for the safety and welfare of the community.

Second: Councilman Kenneth Burnett

Vote: Supervisor Donald Emhardt – Aye
Councilman Scott Cummings – Aye
Councilman Dave Ward – Aye
Councilman Thomas Carlson – Aye
Councilman Kenneth Burnett – Aye

Carried

Committee Reports:

Human Resources- Councilman Cummings reported that the committee will be meeting to update the employee handbook. A draft will be forwarded to the Board for final approval and adoption.

Agenda:

Resolution- Records Retention Schedule LGS-1

Adoption of New Disposition And Retention Schedule For Town Records

WHEREAS, a new Retention and Disposition Schedule for New York Local Government Records or LGS-1, was introduced on August 1, 2020 by New York State Archives

WHEREAS, all previous local government schedules (CO-2, MU-1, ED-1, and MI-1) will be replaced by the LGS-1 on January 1, 2021

WHEREAS, local governments must formally adopt LGS-1 before January 1st to continue legal destruction of records after January 1, 2021,

WHEREAS, the current MU-1 schedule will continue to be followed for all town records through the end of December 31, 2020

NOW, THEREFORE, BE IT

RESOLVED, by the Town of Chautauqua Board that Retention and Disposition Schedule for New York Local Government Records (LGS-1), issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, is hereby adopted for use by all officers in legally disposing of valueless records listed within

FURTHER RESOLVED, that in accordance with Article 57-A:

Only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-1), after they have met the minimum retention period described therein;

Only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

Motion made by Councilman Scott Cummings to approve the resolution as presented.

Second: Councilman Thomas Carlson

Vote: Supervisor Donald Emhardt – Aye
Councilman Scott Cummings – Aye
Councilman Dave Ward – Aye
Councilman Thomas Carlson – Aye
Councilman Kenneth Burnett – Aye

Carried

Water District 2- Water Supply Project

Mike Manning, engineer for OBG-Ramboll, reported on the water supply project for Water District 2. Two locations were identified for a water well, one being behind the Dewittville Fire Department and the second located on the northwest corner of the intersection of Springbrook and Meadows road. These locations were selected based on discussion with well drillers and their proximity to the creek which has produced good water for many wells in the area. A bore was drilled on site number 1 behind the fire hall to 114 feet and it was determined that the geological conditions at the site are not suitable to support a production well to serve the district. A water district needs 2 wells capable of producing 100-120 gallons per minute. In addition, there are a couple restraints placed by the department of health on public water wells that restrict location sites. The well head must be 200 feet away from any septic tanks in the area and requires a 100 foot radius around the well. Since the Town does not own the property and has access by easement, the radius requirement increases to 200 feet. With the second site being in a similar geographic location as the first, it is possible this site too will not produce the amount necessary.

Engineering proposal

Engineering proposal, amendment No. 3, was presented to the Board to finalize site selection, install, develop and test at selected site and develop a design package suitable for submission to the NYS Dept. of Health and Environmental Facilities Corp. for potential funding.

The Board discussed other possible locations for a test well. With the price of \$10,000.00 for each test boring, they want to be sure every aspect of the area is researched and focus on finding a viable site before committing to additional engineering services for testing and design.

Mr. Manning will draft a new proposal that addresses additional test well sites only.

Bonding

After some discussion, the Board felt there was not enough information and too many variables at this point to consider bonding for the project. Councilman Cummings inquired about funding to cover the costs of drilling more tests wells. Attorney Seachrist stated that the Board should consider using the District's reserve funds to locate a supply source. This can be done at a special meeting after Attorney Seachrist talks with John Alessi from Ramboll to discuss this further.

Order on Consent

Ramboll has made some progress in addressing the interim measures and is on schedule with the timeline submitted to the EPA. Lab testing will be done this week and they are currently working on a flushing program to be implemented for the District with installing two fire hydrants.

Cable Franchise Agreement- Draft approval

The Board previously authorized the Village of Mayville to serve as lead agency in a multi-municipal cooperative agreement to negotiate a cable franchise agreement with Charter Communications, f/ka/ Spectrum, f/k/a Time Warner Cable on its behalf. While negotiations took longer than anticipated, they have agreed to the framework of an agreement that was presented to the Board. Attorney Seachrist addressed any questions of the Board and stated he only needed verbal authorization to have the Village attorney to proceed with ratifications. No one on the Board had any objections on moving forward.

Local Law 2 of 2020- Public Hearing

Motion made by Councilman Scott Cummings to open the public hearing at 7:58p.m.

Second: Councilman Thomas Carlson

Vote: Supervisor Donald Emhardt – Aye
Councilman Scott Cummings – Aye
Councilman Dave Ward – Aye
Councilman Thomas Carlson – Aye
Councilman Kenneth Burnett – Aye

Carried

The following local law was copied to the Board. No public was present for question or comment.

A LOCAL LAW OPTING OUT OF THE TAX EXEMPTIONS PROVIDED BY SECTION 487 OF THE REAL PROIERTY TAX LAW

SECTION 1. Legislative Authority

This local law is enacted pursuant to the authority contained in Real Property Tax Law Section 487.

SECTION 2. Opt-Out of Real Property Section 487 Tax Exemption.

The Town of Chautauqua hereby opts out of the tax exemptions provided by Section 487 of the Real Property Tax Law for Solar or Wind Energy Systems or Farm Waste Energy Systems constructed after the effective date of this local law.

SECTION 3. Repealer

All ordinances, local laws, and parts thereof inconsistent with this local law are hereby repealed.

SECTION 4. Validity

The invalidity of any provision of this Local Law shall not affect the validity of any other portion of this Local Law which can be given effect without such invalid provision.

SECTION 5. Effective Date

This Local Law shall take effect immediately upon filing in the office of the Secretary of State, the New York State Department of Taxation and Finance, and the New York State Energy Research and Development Authority.

Motion made by Councilman Scott Cummings to close the public hearing at 7:59p.m.

Second: Councilman Kenneth Burnett

Vote: Supervisor Donald Emhardt – Aye
Councilman Scott Cummings – Aye
Councilman Dave Ward – Aye
Councilman Thomas Carlson – Aye
Councilman Kenneth Burnett – Aye

Carried

Motion made by Councilman Scott Cummings to adopt Local Law 2 of 2020 as presented.

Second: Councilman Thomas Carlson

Vote: Supervisor Donald Emhardt – Aye
Councilman Scott Cummings – Aye
Councilman Dave Ward – Aye
Councilman Thomas Carlson – Ay
Councilman Kenneth Burnett – Aye

Carried

SEQRA Lead agency - Omni Navitas-Solar Project

SEQRA NOTICE OF INTENT TO SERVE AS LEAD AGENCY FOR THE OMNI NAVITAS SOLAR ENERGY PROJECT

Whereas, Omni Navitas Holdings, LLC has proposed a 5 megawatt ground-mounted solar energy system on a parcel at 6036 Hartfield-Stockton Road, and

Whereas, in accordance with the provisions of 6 NYCRR Part 617 (SEQRA), the Town intends to serve as Lead Agency for SEQRA review of this Type 1 action and will determine if the proposed action will have a significant effect on the environment; and

Whereas, the Lead Agency will undertake a coordinated review of this proposed action.

Now, Therefore, Be It Resolved, that the Town Board hereby designates its intention to serve as Lead Agency for the proposed action and will circulate Lead Agency Notices along with Part 1 of the Long Form Environmental Assessment Form and any other supporting documentation to all Involved Agencies. These agencies shall be given 30 days from the mailing of the Lead Agency Notice to consent. Interested Agencies will be given notice, but not required to consent pursuant to 6 NYCRR Part 617.6.

Motion made by Councilman Thomas Carlson to approve the resolution as presented and to have the Town attorney send out notices of intent to all involved agencies.

Second: Councilman Dave Ward

Vote: Supervisor Donald Emhardt – Aye
Councilman Scott Cummings – Aye
Councilman Dave Ward – Aye
Councilman Thomas Carlson – Aye
Councilman Kenneth Burnett – Aye

Carried

EMS Support Letter

Chautauqua County Emergency Services recently purchased an ambulance and is requesting the Town to submit a letter to the State in support of them becoming a permanent operating authority for ambulance service to better serve the community. They currently provide ALS fly car services but New York State does not allow fly car services to be billed to Medicaid unless you have a transporting vehicle.

Motion made by Councilman Scott Cummings to send a letter in support of Emergency Services obtaining the necessary authority required for ambulance service serving the County.

Second: Councilman Thomas Carlson

Vote: Supervisor Donald Emhardt – Aye
Councilman Scott Cummings – Aye
Councilman Dave Ward – Aye

Councilman Thomas Carlson – Aye

Councilman Kenneth Burnett – Aye

Carried

Non-Agenda Items

Lease Agreements

Supervisor Emhardt reported that the 5-year lease agreement with Emergency services was up in July and they are interested in renewing their lease with a slight increase and an extra \$100 a month for electric. They will not be able to pay the increase until the new budget so we've worked out a 6-month delay on the new rates. We are waiting on the County's response and a final copy of the agreement will be forwarded to the board prior to next month's meeting for a vote.

A lease renewal is currently being worked out with Mayville Tremaine. Councilman Cummings asked if lawn care, parking lots and maintenance have been included in all the leases. Supervisor Emhardt said these factors are included except for the new roofs and window for the building. Other than that, the Town breaks even between the leases and operating expenses of the Municipal Building.

Lake Clean-up Program

Mobitracs have moved 367 ½ tons of weeds in 6 weeks as of last Friday. It takes about 8 days to get around the North basin and clean it all up. The program is doing well. The biggest problem is the transport that comes to pick them up from our cutter. Councilman Cummings inquired how close the Town was to expending the money budgeted for the project. Supervisor Emhardt stated 'not very' since they have only been working with three full-time employees. We are currently working on three grants; one to fund the manpower next year, another one for a 4th Mobitrac so we can work the south basin with 2 machines all year and the other to obtain a three-quarter ton pick-up truck we can use to haul the machines around. The Town wishes to eventually turn the program over to a not-for-profit once they see that it is working and embrace the program.

Sales Tax came in \$65,000 low for this quarter. Figuring on the 5-year average and this year compared to last year, the Town is only \$8,000 behind at this time. With construction company's selling out and the activity seen on the Lake recently, we should be good by the end of the year.

Chautauqua Opportunities is asking for a letter of support in submitting a Three-Million dollar HUD Grant for Lead Hazard Control Countywide focusing mostly on the replacement of doors and windows but there will be some abatement.

Motion made by Councilman Scott Cummings to send a letter of support for Chautauqua Opportunities.

Second: Councilman Dave Ward

Vote: Supervisor Donald Emhardt – Aye

Councilman Scott Cummings – Aye

Councilman Dave Ward – Aye

Councilman Thomas Carlson – Ay

Councilman Kenneth Burnett – Aye

Carried

Motion made by Councilman, Scott Cummings to approve the Supervisor's report for July.

Second: Councilman Thomas Carlson

Vote: Supervisor Donald Emhardt – Aye

Councilman Scott Cummings – Aye

Councilman Dave Ward – Aye

Councilman Thomas Carlson – Aye
Councilman Kenneth Burnett – Aye
Carried

Motion made by Councilman Scott Cummings to approve the vouchers as presented to the board for payment. Abstract #008, Voucher #443-500

ABSTRACT # 008
DEPOSIT OF 07/01/2020 - 08/31/2020

Code	Fund	Amount
Book:	A B DA DB H1 H2 H3 H4 H5 K SF2 SF4 SL1	
A	GENERAL FUND - TOWNWIDE	21,841.79
B	GENERAL FUND - OUTSIDE VILLAGE	819.81
DA	HIGHWAY FUND - TOWNWIDE	1,017.02
DB	HIGHWAY FUND - OUTSIDE VILLAGE	185,594.04
H3-	SEWER & WATER EXPANSION	97,250.73
H4-	WATER DISTRICT 2	8,283.00
SL1-	PT CHAUTAUQUA LIGHT DISTRICT	292.30
SL2-	DEWITTVILLE LIGHTING DISTRICT	287.75
SL4-	BAYBERRY LANDING LIGHTING DIST	17.94
SS1-	CHAUT HEIGHTS SEWER DISTRICT	23,745.78
SW1-	CHAUT HEIGHTS WATER DISTRICT	6,282.47
SW3-	CHAUTAUQUA SHORES WATER DISTRICT	21.02
Total:		345,453.65

Second: Councilman Kenneth Burnett
Vote: Supervisor Donald Emhardt – Aye
Councilman Scott Cummings – Aye
Councilman Dave Ward – Aye
Councilman Thomas Carlson – Aye
Councilman Kenneth Burnett – Aye
Carried

Motion made by Councilman Thomas Carlson to adjourn the regular meeting at 8:12 P.M.

Second: Councilman Scott Cummings
Vote: Supervisor Donald Emhardt – Aye
Councilman Scott Cummings – Aye
Councilman Dave Ward – Aye
Councilman Thomas Carlson – Aye
Councilman Kenneth Burnett – Aye
Carried

Rebecca Luba, RMC
Town Clerk
Town of Chautauqua